

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRISTOPHER P. RADDANT,

Plaintiff,

STATE OF WISCONSIN DEPARTMENT OF HEALTH
SERVICES and GROUP HEALTH COOPERATIVE OF
EAU CLAIRE,

Involuntary plaintiffs,

v.

DOUGLAS COUNTY, DOUGLAS COUNTY
SHERIFF'S OFFICE, DOUGLAS COUNTY JAIL,
JOHN DOE, and RICHARD ROE,

Defendants.

OPINION and ORDER

22-cv-555-jdp

This case is about the alleged use of excessive force against plaintiff Christopher P. Raddant while he was detained at the Douglas County jail in October 2019. In a previous order, the court directed the parties to address show cause why the court should not take the following actions:

- 1) dismiss Douglas County Sheriff's Office and Douglas County Jail as nonsuable entities;
- 2) dismiss State of Wisconsin Department of Health Services as an improperly named involuntary plaintiff;
- 3) realign Group Health Cooperative of Eau Claire as a plaintiff (rather than an involuntary plaintiff) because it has made an appearance and asserted its own claims.

Dkt. 29.

Only Raddant responded to the order. Dkt. 32. He did not address the questions related to the Department of Health Services or Group Health, so the court will dismiss the department and realign Group Health as a plaintiff.

As for whether the sheriff's office and the jail should be dismissed, Raddant says that it's premature to decide whether Raddant has stated a claim against either entity or whether defendants are entitled to relief on their affirmative defenses. But the court didn't raise either issue in its order. Rather, the question is whether a sheriff's office or jail is a legally suable entity.

In its previous order, the court cited *Smith v. Knox County Jail*, 666 F.3d 1037, 1040 (7th Cir. 2012), and *Whiting v. Marathon County Sheriff's Dept.*, 382 F.3d 700, 704 (7th Cir. 2004), for the propositions that a building such as a jail can't be sued because it can't accept service of process, and a sheriff's office is simply part of the county, so it can't be sued separately. *See also Edwards v. Wisconsin Dept. of Corrections*, No. 04-C-664-C, 2004 WL 2473259, at *4 (W.D. Wis 2004) (“[A] governmental unit is . . . subject to suit only if it possesses independent proprietary functions and powers such as the power to levy taxes, to incur liability beyond an amount appropriated by the legislature, to hold title to property in its own name, or to dispose of real and personal property without express authority from the state.”). Raddant doesn't cite any contrary authority, and he doesn't otherwise explain why the jail and sheriff's office are proper parties.

The court will dismiss the jail and sheriff's office as nonsuable entities. The case will proceed against Douglas County and the unnamed individual defendants.

ORDER

IT IS ORDERED that:

1. Douglas County Jail and Douglas County Sheriff's Office are DISMISSED as nonsuable entities.
2. The Wisconsin Department of Health Services is DISMISSED as an improperly named involuntary plaintiff.
3. Group Health Cooperative of Eau Claire is REALIGNED from an involuntary plaintiff to a plaintiff.

Entered January 9, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge